

Att. Docket No.: 3284/1235

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Habener, et al.

Serial No.: 09/963,875

Filed: September 26, 2001

Titled: STEM CELLS OF THE ISLETS OF  
LANGERHANS AND THEIR USE IN  
TREATING DIABETES MELLITUS

Examiner: M.A. Belyavskyi

Group Art Unit: 1644

Conf. No.: 9674

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a**

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kathleen M. Williams

Name of Person Mailing

Signature of Person Mailing Paper

**Mail Stop AF****Commissioner for Patents****P.O. Box 1450****Alexandria, VA 22313-1450****NOTICE OF APPEAL PURSUANT TO 37 CFR § 1.191(a)**

Sir:

Applicant hereby appeals to the Board of Appeals and Patent Interferences from the decision of the Primary Examiner dated December 2, 2004, in which the rejection of Claims 39-43, 73, and 76-83 were made final.

[ X ] The Commissioner of Patents is hereby authorized to charge the fee of \$250.00 to Deposit Account No. 16-0085, Reference No. 3284/1235 for filing this Notice of Appeal under 37 C.F.R. § 1.17(b). A duplicate of this letter is enclosed for that purpose.

The following checked items are appropriate:

- [ ] A response to the final rejection: 06/01/2005 AWONDAF1 00000094 160085 09963875  
[ ] was filed previously, 01 FC:2401 250.00 DA  
[ ] accompanies this paper.

[X] A petition for extension of time under 37 C.F.R. § 1.17(b) for three (3) months accompanies this paper.

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Oral Hearing

[ ] An oral hearing before the Board of Appeals is hereby requested under 37 C.F.R.

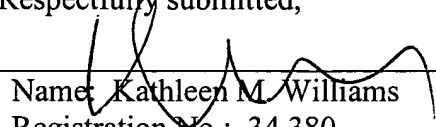
§1.194. The Commissioner is authorized to charge the fee required under 37 C.F.R.

§1.17(g) (\$) to Deposit Account No. 16-0085, Reference No. .

The Commissioner is hereby authorized and instructed to charge any additional fees that may be required in connection with this paper, or to credit overpayment, to Deposit Account No. 16-0085, Reference No. 3284/1235. A duplicate of this paper is enclosed herewith for accounting purposes.

Date: May 25, 2005

Respectfully submitted,

  
Name: Kathleen M. Williams

Registration No.: 34,380

Customer No.: 29933

Palmer & Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

Tel: 617-239-0100